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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,861	03/07/2006	Richard O'Dell	09931-00048-US	2089

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CONNOLLY BOVE LODGE & HUTZ, LLP
P O BOX 2207
WILMINGTON, DE 19899

EXAMINER

LSTVOYB, GREGORY

ART UNIT	PAPER NUMBER
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1796

MAIL DATE	DELIVERY MODE
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10/01/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

***Advisory Action
Before the Filing of an Appeal Brief***

Application No.

10/560,861

Applicant(s)

O'DELL ET AL.

Examiner

GREGORY LISTVOYB

Art Unit

1796

– ***THE MAILING DATE of this communication appears on the cover sheet with the correspondence address –***

THE REPLY FILED 14 September 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because:
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-3, 5, 7-14 and 25.
 Claim(s) withdrawn from consideration: 4 and 15-19.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
1. Applicant argues that Reich's monomers are incapable to form polymers, since they don't have two reactive groups. This is incorrect. Reich teaches mechanism of forming oligomers and polymers (see page 15, where mechanism of trimers and pentamers is disclosed). 2-3. Applicant argues that Reich does not disclose polymers, but only oligomers. Examiner disagrees. The title of the Reich's Dissertation is "Oligo and Poly(indenofluorenes)- new materials for energy-pac applications". In addition, polymers and oligomers differ only by molecular weight. Therefore, oligomers can be considered polymers of low molecular weight. 4. Regarding Kim, Applicant argues that Examiners' statement on the reference is irrelevant to the Application examined. Examiner disagrees. Kim evidences that strong intermolecular interferences deteriorate emission properties of conjugated polymers (see page 2040). Introducing of bulky Naphthalene group decreases the above interaction, since it disturbing chain packing. Kim used in the Rejection to support modification of Setayesh's polymer in order to enhance emission properties of conjugated polymer. 5. Applicant disagrees with Examiner's analysis of Table 1 of the Specification. Specifically, Applicant submits that Polymers 6 to 9 have different properties due to the fact that the trans-indenofluorene units contain different substituents. Therefore these four materials are not directly comparable, while Polymers 5 and 6 are comparable. However, it is clear, for instance, that such parameter as % burning depends not only on cis- trans isomerisation, but on the nature of alkyl radical (bulky alkyl is favorable). In contrary, color shift declines with decreasing of Alkyl content. Trans- containing polymer (Entry 6) shows better Half life from 800 cd/m²) (140h vs 120h for cis-containing polymer). Another trans-containing copolymer (see Entry 9) shows better data on %burning (1%vs 3% for cis-copolymer). In other words, data of Table 1 show that isomerisation is just one of a few parameters, determining the properties of the polymer..
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
 13. ☐ Other: _____.